THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION No.26481 OF 2006
DATE: 04.01.2007

Between:

P. Shobhavathamma, H.No. 77-112-A6, Kallur Estte Near Masjid, Kurnool- 518 003.

...

Petitioner

AND

1.The Station House Officer, Pagidyala Police Station, Pagidyala, Nandikotkur Taluq, Papidyala Mandal, Kurnool District and one another.

....Respondents

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TAKEN UP WRIT PETITION No.26481 OF 2006

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'Telegram', dated 08.12.2006, sent by one P. Shobhavathamma, H.No.77-112-A6, Kallur Estate, near Masjid, Kurnool-518 003, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her husband by name Cowdaiah was illegally arrested by the Police, Pagidyala Police Station, on 05.12.2006, and she has been apprehending danger to his life.

3. On notice being issued, by this Court, the Sub-Inspector of Police, Pagidyala Police Station, Kurnool District, filed a counter-affidavit stating, inter *alia,* that due to some internal family problems, the second wife of the detenu had made an oral complaint to the police; that subsequently, investigation had been initiated and as a part of the said investigation, on 02.01.2007, the Mandal Executive Magistrate had recorded the statements of the petitioner and the alleged detenu, wherein the alleged detenue had categorically stated that he along with the petitioner went to the said police station on 05.12.2006 and participated in the enquiry and that he was not in the custody of the police. In his statement, the petitioner also had deposed that, as the alleged detenu did not come to the house till 08.12.2006, she issued a telegram on 08.12.2006 to this Court, apprehending that the police would have taken away the alleged detenue. The statements of the alleged detenu and the petitioner, recorded by the Mandal Executive Magistrate, are made part of the record.

4. In view of the revelations in the counter-affidavit, we do not see any substance in the writ petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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P. SWAROOP REDDY, J

Dated: 04.1.2007

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